

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 103

March 15, 1995, 10:42 a.m.
Page S-3918 Temp. Record

DOD SUPPLEMENTAL/Striker Replacement Executive Order, cloture

SUBJECT: Department of Defense Emergency Supplemental Appropriations Bill for fiscal year 1995 . . . H.R. 889. Dole motion to close debate.

ACTION: CLOTURE MOTION REJECTED, 58-39

SYNOPSIS: Pertinent votes on this legislation include Nos. 101-102 and 105-108.

As reported, H.R. 889, the Department of Defense Emergency Supplemental Appropriation Bill for fiscal year 1995, will appropriate \$1.94 billion to cover the costs of unbudgeted Department of Defense (DoD) contingencies, and will rescind \$1.96 billion in defense appropriations (mostly from the DoD) to offset the cost. Additionally the bill will rescind \$1.54 billion from nondefense accounts and will recommend that the savings be used for deficit reduction. (President Clinton requested \$2.54 billion in "emergency" funding, which would allow the spending to be added to the debt instead of being fully offset. The President requested only \$332 million in offsets.)

The committee amendment beginning on page 1, line 3, would strike sections I through IV from the House-passed bill and would insert alternate provisions.

The Kassebaum amendment would provide that none of the funds made available under any appropriations act for fiscal year 1995 may be used to implement, administer, or enforce any executive order or other rule, regulation, or order that limits, restricts, or otherwise affects the ability of any existing or potential Federal contractor, subcontractor, or vendor to hire permanent replacements for lawfully striking employees.

On March 9, 1995, Senator Dole sent to the desk, for himself and others, a motion to close debate on the Kassebaum amendment.

NOTE: The motion to invoke cloture requires 60 votes to succeed. Senator Jeffords favored the Kassebaum amendment and the motion to invoke cloture, but due to circumstances beyond his control was unable to vote. Senator Pell, who professes to support cloture in all but the most extreme circumstances, despite his views on a measure, paired his vote with Senator Murray, who was absent for this vote but who voted on the vote which immediately followed. The purpose of a paired vote is to give weight, as a matter of courtesy, to a Senator's views when that Senator is unable to cast a vote. For example, if a Senator due to illness cannot cast a

(See other side)

YEAS (58)			NAYS (39)			NOT VOTING (2)	
Republicans (53 or 100%)		Democrats (5 or 11%)	Republicans (0 or 0%)	Democrats (39 or 89%)		Republicans (1)	Democrats (1)
Abraham	Helms	Bumpers	Akaka	Heflin		Jeffords- ²	Murray- ^{2PN}
Ashcroft	Hutchison	Exon	Baucus	Inouye			
Bennett	Inhofe	Hollings	Biden	Johnston			
Bond	Kassebaum	Nunn	Bingaman	Kennedy			
Brown	Kempthorne	Pryor	Boxer	Kerrey			
Burns	Kyl		Bradley	Kerry			
Campbell	Lott		Breaux	Kohl			
Chafee	Lugar		Bryan	Lautenberg			
Coats	Mack		Byrd	Leahy			
Cochran	McCain		Conrad	Levin			
Cohen	McConnell		Daschle	Lieberman			
Coverdell	Murkowski		Dodd	Mikulski			
Craig	Nickles		Dorgan	Moseley-Braun			
D'Amato	Packwood		Feingold	Moynihan			
DeWine	Pressler		Feinstein	Reid			
Dole	Roth		Ford	Robb			
Domenici	Santorum		Glenn	Rockefeller			
Faircloth	Shelby		Graham	Sarbanes			
Frist	Simpson		Harkin	Simon			
Gorton	Smith			Wellstone			
Gramm	Snowe						
Grams	Specter						
Grassley	Stevens						
Gregg	Thomas						
Hatch	Thompson						
Hatfield	Thurmond						
	Warner						

LIVE PAIRS(1):
PRESENT AND
GIVING: RECEIVING:
Pell (PY) Murray (PN)

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

ballot, that Senator may ask another Senator on the opposite side of a question to refrain from voting. The Senator who is present but who does not vote announces a "live pair," and states how he or she would vote, and how the absent Senator would vote, if both were present. Live pairs are permitted as a matter of custom; they are not part of the formal rules.

On a cloture vote, however, a live pair serves no purpose. A Senator who favors cloture does not add weight to the vote of a Senator who opposes it by entering into a live pair. A 59-41 vote, a 59-40 vote, or a 59-0 vote all would have the same result. In other words, a vote against cloture is meaningless; any Senator who opposes cloture and is absent does not hurt the position of his or her side. Senator Murray could have announced her position as "no." Instead, Senator Pell, who professed to support cloture, chose to nullify his vote by making a live pair with her.

Subsequent to the failure to invoke cloture, a second cloture petition was vitiated and the Kassebaum amendment was withdrawn. For debate, see vote No. 102.